

**FILED**

June 22, 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

United States District Court  
Western District of Texas  
San Antonio Division

BY:                     wg                      
DEPUTY

Arturo S. Lopez Sr.  
Plaintiff, Pro-Se

Case No. 5:24-cv-387-OLG

V.

Frank Kendall III, Secretary of the Air Force.  
Daniel Peterson, Anthony Scharf, Isiah Thomas,  
Megan Corlew.

**Plaintiff's Response to Defendant's Motion to Dismiss Doc 6.**

**Basis of Jurisdiction:** Discrimination under Title VII of the Civil Rights Act of 1964 2000e 3a Unlawful Employment Practices . I, Arturo S. Lopez Sr., was unlawfully discriminated against on December 02, 2022, based on Reprisal for participating in the following prior EEO Complaints:  
5EOJ17001, 5EOJ1800535, 5EOJ2000921 and for Testifying, participating on MSPB case proceedings , Commander's directed inquiry, and IG investigations.

**Legal Standard:** The Defendants Motion to dismiss should be denied and the Defendants case should be dismissed as the Defendants have failed to file an answer to the Plaintiff's claim that was filed at the U.S District Court San Antonio Division on April 15, 2024, The Defendants Filed an Answer on June 14, 2024, long after the 21 days had passed. The suspense date would have been May/ 09/ 2024. The Defendants received notice of the Plaintiff's claim by USPS Certified Mail on 04/18/2024. The time limit to respond has expired. Defendants failed to file an answer. Motion to dismiss pursuant to Default Judgment Tex Rule Civ.P. 503.1, Tex.R. Civ.P. 502.5. **The Defendants' stated defense on DOC.6 at 2 does not fit the facts of this case.** 1. The political Doctrine Bar does not apply here. The answer is straight forward by the Laughlin AFB authority Wing Commander Col Kevin Davidson he clearly states on his e mail dated January 4, 2023, to the plaintiff that he is not barred. I the Plaintiff reached out to Col Kevin Davidson There is no 2<sup>nd</sup> guessing his authority. **See Exhibit G. pg. 1 of 3.** 2. The Office of personnel Management did not make any decisions to garnish my wages as the Defendants falsely claim in Doc. 6 at 2. The reason the plaintiff's Federal Disability retirement benefits were being garnished was because of a debt error that was created by the Laughlin AFB agency finance office. The plaintiff's disability wages were being garnished by the Defense Finance and Accounting

Services because of false information that was provided to them by the Laughlin AFB Finance Office. There are many elements in the Defendants Motion to dismiss that are proven to be assumptions and have no merit. The Defendants are merely presenting a false argument to sway the Court's decision. The Defendants have not listed any Factual material evidence to support their Motion to dismiss. The Defendants recital of lack of jurisdiction is baseless and has no merit in this case. The Defendants have only provided their false conclusions and assumptions to undermine this Court's decision. The Plaintiff's Claim of Reprisal under Title VII of the Civil Rights Act of 1964 2000e 3a Unlawful employment practices is clearly proven by preponderance of genuine material evidence throughout his Exhibits A-thru- R. A strong clear nexus of reprisal has been established. The Defendants Mr. Daniel Peterson, Mr. Anthony Scharf, Mr. Isiah Thomas, and Ms. Megan Corlew knowingly have violated 42 U.S.C. 1983 deprivation of the Plaintiff's rights and liberties and have caused constitutional torts against the Plaintiff. The Plaintiff enters exhibits A -through R as genuine supporting Material Evidence. These individuals have perjured themselves in their responses . The plaintiff's Declaration statement and Rebuttal Statements shows how these Defendants have lied and manipulated their responses. **See Exhibits K at 1-5 and L at 1- 4.**



**Factual Background:**

The Plaintiff was intentionally issued a false invalid government debarment letter to prevent him from exercising his rights and liberties to a fair and due process by preventing him from going to see an EEO Counselor and Finance office. **See Exhibit A at 1-2.** The Finance Comptroller's Office at Laughlin AFB created a debt error against the Plaintiff not the OPM Office as the Defendants falsely claim. MS. Megan Corlew intentionally and knowingly ignored and stalled the help that she could have provided to the Plaintiff to prevent false wage garnishment and false debt entry on his credit report. Ms. Corlew was the head timekeeper for all the Maintenance Division. The Plaintiff was referred to her by the DFAS "Defense and Finance Accounting Services". Instead, she allowed the Defense and Accounting Services to falsely garnish the Plaintiff's Federal Employment Disability retirement benefits and allowed them to enter a false debt entry on his credit report. The Plaintiff has suffered unnecessary financial harm and humiliation by her negative reprisal actions towards him. The Plaintiff was wrongfully detained and held back from being able to go to the EEO Office and the Comptroller's Office at Laughlin AFB on December 02, 2022. The Plaintiff was made to feel as though he was some type of criminal. The Defendants have unlawfully committed personal reprisal actions against the Plaintiff. The Plaintiff did as his job core states, "Report any unsafe conditions, if you know or see something speak up."

Because of the reporting to the EEO office and speaking up about aircraft maintenance malpractice and the falsifying of Aircraft Maintenance Forms for work that was never done he has been retaliated over and over again. The Plaintiff has always done the best at whatever job assignment is given to him and was a very good employee for 23 years up to when he decided to speak up concerning bad Aircraft Maintenance and the falsifying of Aircraft Maintenance forms. After speaking up and not looking the other way the plaintiff's presence on base was considered to be detrimental to the maintenance of good order and discipline. **See Exhibit J at 1 – 6. Character reference letters, awards. These reference letters do not match that of what I am currently being labeled.**

**Conclusion:**

The Plaintiff respectfully asks this court to dismiss the Defendant's case as they violated Tex. Rule Civ. P. 503.1 and 502.5. or that he be allowed a jury hearing to allow all material evidence in this case to be heard .

The Email Letter that was sent from the Laughlin AFB Wing Commander Col. Kevin Davidson is clear direct evidence that shows that the Plaintiff was not Barred from Laughlin AFB so long he met the necessary requirements. **See Exhibit G. pg. 1 of 3.** The Plaintiff had met all the requirements, and he was still

intentionally held back from going to the EEO Office and Finance Office. See **Exhibit C at 1-2**. These individuals acted alone and not within the scope of their job duties when they committed their reprisal actions against the Plaintiff and knowingly and intentionally issued him an invalid false government debarment letter to prevent him from going to the EEO Office and the Comptroller's Office. They deprived the Plaintiff of his rights and liberties to fair and due process, and the ability to resolve and defend the wrong actions that were being done against the Plaintiff just as any other U.S Citizen would have been allowed.

Very Respectfully, Arturo S. Lopez Sr.

A handwritten signature in blue ink, appearing to read 'A. Lopez', is positioned below the typed name.

## **Certificate of Service**

I, Arturo S. Lopez Sr. Plaintiff Pro-Se do hereby certify that a true and correct copy of the forgoing was electronically filed via the court's CM/ECF system on this 24-day June 2024. Additionally, a copy of the same has been sent to the following Via Certified mail.

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